

# ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
CINCINNATI DIVISION

1330 OLD RIVER, LLC  
d/b/a RocBar  
1330 Old River Road  
Cleveland, Ohio 44113

Applicant,

v.

AMERICAN SOCIETY OF  
COMPOSERS, AUTHORS  
AND PUBLISHERS,  
2675 Paces Ferry Road, S.E., Suite 350  
Atlanta, Georgia 30339

Respondent.

*related to* UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

AMERICAN SOCIETY OF  
COMPOSERS, AUTHORS AND  
PUBLISHERS,

Defendant.

: Case No. 1-08-MC-00019

: Judge S. Arthur Spiegel

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: Civ. Action No. 41-1395 (WCC)  
(S.D.N.Y.)

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Sr. Judge William C. Conner

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## SCHEDULING ORDER

WHEREAS, applicant 1330 Old River Road, LLC ("Applicant") has applied in the United States District Court for the Southern District of Ohio, Cincinnati Division, pursuant to 17 U.S.C. §§ 513(1) and 513(2), for the determination of a reasonable license fee for a license to

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perform publicly copyrighted musical works in the repertory of respondent American Society of Composers, Authors and Publishers ("ASCAP") at Applicant's nightclub known as the Roc Bar and located at 1330 Old River Road in Cleveland, Ohio; and counsel for the parties having appeared at a conference with the Court on May 30, 2008 at which it was agreed that the Court would enter a scheduling order; now, therefore, it is HEREBY ORDERED that:

1. The parties shall serve their initial discovery on each other on or before June 13, 2008, and responses and/or objections thereto shall be served on or before July 15, 2008.

2. The parties shall serve any additional discovery on each other on or before July 25, 2008, and responses and/or objections thereto shall be served on or before August 25, 2008.


3. The parties shall disclose to each other their expert witnesses and provide each other with their expert witnesses' reports by September 3, 2008.

4. All discovery shall be completed by September 12, 2008.

5. Counsel for the parties shall appear before the Court for a pretrial conference in the United States District Court Courthouse in White Plains, New York, Room 630, on September 5, 2008 at 11:45 a.m. Counsel for Applicant may appear at the conference by telephone.

6. Trial of this matter will be held in accordance with the provisions of 17 U.S.C. § 513 at a time and place to be determined by the Court at the pretrial conference.

Dated: White Plains, New York  
June 23, 2008

  
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Sr. United States District Judge